

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

Plaintiff,

-against-

CARMEN ESTRADA,

Defendant.

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HURLEY, District Judge:

On October 23, 2005, this Court denied Defendant's motion to vacate the default judgment granted by Order dated July 5, 2005 in the above-captioned case, and referred the matter to U.S. Magistrate Judge Arlene R. Lindsay, pursuant to 28 U.S.C. § 636(b)(3), for a report and recommendation as to damages and attorney's fees. On January 5, 2007 Judge Lindsay issued a Report and Recommendation that Plaintiff be awarded \$6,653.72 plus interest.. On January 5, 2007, Defendant was served with a copy of the Report and Recommendation. (*See* Docket Entry No. 24.) More than ten days have elapsed since service of the Report and Recommendation, and neither party has filed any objections to it.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, this Court adopts the January 5, 2007 Report and Recommendation of Judge Lindsay as if set forth herein. The Court therefore directs that

ORDER
04-CV-5008 (DRH) (ARL)

Plaintiff recover from Defendant the total of the amounts itemized below, and that judgment be entered accordingly:

- (1) \$2,692.20 for principal;
- (2) \$2,490.73 for interest through July 20, 1999;
- (3) Interest on \$5,182.93 (the total of 1 and 2 above) from July 20, 1999 to the entry of judgment at a daily rate of \$.59 per day;
- (4) \$125.00 for costs;
- (5) \$1,345.79 for attorney's fees.

Upon entry of judgment, the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, N.Y.
January 29, 2007

/s/

Denis R. Hurley,
United States District Judge